

**BOARD OF SELECTMEN**  
**Minutes of December 4, 2006**

**MEMBERS PRESENT:** Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Alan Carpenter, Margaret Crisler, and Dennis Senibaldi were present, as was Town Administrator David Sullivan. Following the Pledge of Allegiance, Mr. Stearns read the agenda into the record.

**ANNOUNCEMENTS:** Recreation Coordinator Cheryl Haas reminded all that the Annual Tree Lighting would take place on Saturday the 9<sup>th</sup> from 3 PM to 5 PM at the Town Center. Also, the Annual Senior Christmas Party is scheduled for December 13<sup>th</sup> at noon at Castleton. To date, 380 seniors have signed up to attend.

*Mr. Stearns* reported that four members of the Board had met the previous Saturday at Griffin Park to discuss possible parking solutions. Among suggestions discussed were moving of the tennis courts or basketball courts to across the street, or utilization of the passive recreation area in the front of the Park for additional parking. No decisions were made, and staff has been asked to explore the various possibilities.

*Mr. Charles McMahon* approached to update the Board on the parking area donation across Range Road from the Park. He noted that, to date, the crosswalk and signage has been approved, and the speed limit has already been reduced in the area. Mr. McMahon stated that the goal is to have the plan back before the Board prior to year end, and for construction to begin in the spring.

A discussion ensued regarding the adequacy of the current plan for the purposes of holding a workshop to discuss parking. Mr. Sullivan reminded the Board that the donation is contingent upon the construction of the parking lot as planned, and to use the area for anything may invalidate the warrant article.

A discussion ensued regarding the need to discuss solutions at the Park itself regardless of the area across the street, concerns relative to replacing the passive recreational area with parking, and possibly having a discussion with Mr. Mesiti about revising the plan for across the street.

Mr. McMahon expressed concerns that approaching Mr. Mesiti to change the design may effect the donation. He also noted that parking inside the Park had been removed from the original plan for safety reasons, opining that to put it back in would be contrary to the Board's efforts to date to make the Park safer. Mr. Carpenter replied that he had spoken to Mr. Mesiti, who was open to considering alternatives for the donated area.

Further discussion ensued regarding the need for a workshop session with Mr. Mesiti, the Board, Mr. McMahon, the Historic District Commission, and Conservation Commission.

**LIAISON REPORTS:** None.

**PUBLIC HEARING/CANDLEWOOD ROAD:** Mr. Stearns read the public hearing notice into the record. Mr. Sullivan explained that, historically, there had been issues with Candlewood Road, however all have been addressed. After holding the bond for one year, the roadway is now ready for acceptance by the Board, and has been approved by the Highway Agent and Planning Director.

After a brief discussion, Mr. Hohenberger moved and Mrs. Crisler seconded to accept Candlewood Road as a Town roadway. Passed unanimously.

Mrs. Crisler then moved and Mr. Hohenberger seconded to release the bond in the amount of \$22,000, retaining zero, to DMG Land Holdings, LLC. Passed unanimously.

**CORRESPONDENCE:** *Bond Release/Everett Ryan:* After a brief discussion regarding the existence of a cistern and lack of supporting documents, this bond was tabled.

*Bond Release/Bear Hill Extension & Westchester Rd:* Mr. Carpenter moved and Mr. Hohenberger seconded to approve the release of \$134,190 to Dean Smith, retaining \$85,632. Passed unanimously.

*Bond Release/Settlers Ridge:* Tabled due to lack of documentation.

*Bond Release/Butterfield-Jackman Ridge Rd. Ext.:* Mr. Carpenter moved and Mr. Hohenberger seconded to release the bond in the amount of \$7,860 to Mako Development. Passed unanimously.

**MINUTES:** Mr. Hohenberger moved and Mr. Carpenter seconded to approve the minutes of November 20<sup>th</sup> as written. Passed 4-0-1, with Mr. Senibaldi abstaining.

Mr. Carpenter moved and Mr. Hohenberger seconded to approve the minutes of November 13<sup>th</sup> as written. Passed unanimously.

Mrs. Crisler moved and Mr. Senibaldi seconded to approve the minutes of November 27<sup>th</sup> as written. Passed 4-0-1, with Mr. Hohenberger abstaining.

**CORRESPONDENCE CONTINUED:** Copy received of letter from Mr. Turner to the Rockingham Planning Commission requesting consideration for funding of a Fire Impact Fee Study. A discussion ensued regarding the use of CTAP funding for this study, the lack of an established location for a substation, and that there was currently no planned expansion for the Department.

*Mr. McMahon* requested that the Board forward a letter to the NH Department of Transportation seeking the official status of the I-93 project, whether it was on schedule, and whether any funding issues existed. Mr. Sullivan noted that the new project supervisor, Mr. Staminus, was scheduled to attend an upcoming meeting to discuss the road re-naming issue. A discussion ensued, and it was the consensus of the Board to send the letter anyway to apprise Mr. Staminus of the Board's desire to discuss the project status. Mr. Hohenberger requested that the status of the right lane at the Wall Street intersection also be planned for discussion.

**CURRENT USE TAXATION:** Mr. Karl Dubay advised the Board that he had forwarded a letter to Mr. Sullivan several months ago, regarding the reallocation of current use funds to offset the High School project by way of a warrant article. He stated that Mr. Sullivan had obtained legal opinion on this proposal, and advised him that the voters cannot just allocate the funds toward the school. Rather, a series of votes would be needed.

After giving a brief overview of the Current Use procedures, Mr. Dubay indicated that there are other needs in Town beyond Conservation, such as recreation and trail needs, and requested the Board's support of a warrant article allocating 10 or 20% of Current Use taxes toward these needs.

Mr. Hohenberger appreciated the effort to reduce the tax burden, however, he felt the best way to do that was to reduce spending. He felt that the benefits of Conservation land in the long term far outweighed the immediate benefit of having the funds available. He then pointed out that, without the Current Use funding, the Town could purchase no land.

Mrs. Crisler pointed out that, though the Town's tax rate is only \$2.95/thousand, several large projects have been funded. She felt that the Current Use tax was a means to keep the Town in competition with developers, and that having large parcels of land in Conservation offered a lesser tax impact overall through reduced infrastructure and service needs. She then noted that there are very large parcels that remain in Town, such as

Johnson's Farm, and that funds need to be available to act upon them if necessary.

Mr. Carpenter noted that, over the past years, hundreds of acres have been put into Conservation as a long-term investment. He then inquired how many acres remained in Current Use, to which Mr. Sullivan replied approximately 1,800. Mr. Carpenter then asked whether the interest from the Land Acquisition Fund could be allocated to recreational needs. Mr. Sullivan replied that the fund cannot be operated that way; the current use money must either be revenue, allocated toward a Conservation fund, or toward a land use change tax fund. The latter being for a period of one year, after which the monies could be spent on specific need through warrant articles or revert to the general fund. Mr. Carpenter then indicated he would be hard pressed to support a change in the allocation.

Mr. Senibaldi expressed his support of the way the Conservation fund currently operates, and did not feel that this was the time to make a change. He was not opposed, however, to letting the voters decide.

Mr. Stearns spoke in support of Mr. Dubay's proposal, noting that 100% of the Current Use taxes have gone toward Conservation since 1998. He felt that the percentage should not be taken to zero, but some funding should go toward other areas, such as Historic District/Heritage Commission funding.

Mr. Dubay clarified that he agreed with the concept of Conservation, and was not asking that its funding be taken to zero. He then stated he would be happy to work on the numbers further and work with the Conservation Commission to develop a formula.

Mr. Mike Hatem approached, noting that he had also contacted Mr. Sullivan proposing a similar change. He stated that recreation needs are an issue that the High School will not alleviate as previously thought. He urged the Board to give the voters a chance to decide, stating that a 20% reallocation would be a win/win situation for all.

Mr. Jack Gattinella spoke in support of the change, but did not feel that Recreation needs should be a priority.

Mr. Bruce Breton, Conservation Commission, approached to point out that the Commission has been working on trail/recreational needs, noting that equipment to maintain the trails has been purchased with Conservation funding. He then stated that the Commission had never been approached regarding construction of an athletic field on Conservation land.

Mr. Jim Finn, Conservation Commission Chairman, stated the Commission would be more than willing to discuss the Recreation Committee concerns, and echoed Mr. Breton's observation that they had not been approached.

Mr. Ralph Valentine, Recreation Committee Chairman, approached noting that the Committee was not looking to acquire land, but that maintenance funding was needed. He noted that millions of dollars were available, and that the Committee was looking for a very small percentage of that. He stated he would like to have the voters decide, and would like the Recreation Committee and Conservation Commission to meet in the future to discuss this matter further.

Mr. Wayne Morris approached noting that "recreation" is not just athletic fields, but encompasses much more such as passive recreation. He pointed out that the Conservation land is not just lying fallow, and such open space is recreation land.

Mr. Dubay again reiterated he was not seeking to take away the ability of the Commission to purchase land, but was looking for just a small slice for use towards other activities.

After further, brief discussion, there was no decision by the Board.

*The Chairman* called for a short recess to allow the Board to meet with Attorney Campbell prior to the next public hearing.

**PUBLIC HEARING/SCHOOL DISTRICT:** Mr. Bruce Anderson, School Board Chairman, approached and gave a brief history of the survey issues to date. He then noted that an area of the southeast corner of the High School lot is in confusion, and the issue must be resolved to allow for completion of the agreement with Mr. Logan and the project moving forward. The evidence suggests that the lower parcel of the area in question is part of the Gage lands, and that the upper was taken by tax deed. The acreage involved is approximately 19 acres in total. Mr. Anderson noted that Mr. Logan is prepared to execute a deed with no covenants, so any agreement would be between the Town and School District only. He then stated that a boundary agreement, as previously discussed, could be executed, or if the entire area is Town-owned land, then a lot line adjustment was an option.

Mrs. Crisler stated her willingness to assist the School District, but inquired why this couldn't wait until Town Meeting. Mr. Anderson replied that the District has had their contractor on hold for a couple of months, and that the waiver of damages for Mr. Logan also needed to be completed.

Mr. Hohenberger inquired if a subdivision approval would be necessary for a lot line adjustment. Attorney Campbell replied in the affirmative; stating that, at least, a plan would have to be submitted to the Planning Board.

Atty. Campbell then noted that he conducted additional research since the previous discussion, and that he had met with Mr. Bramhall, the School District's surveyor. He stated that RSA 472 does allow for a boundary agreement when the property lines have been lost, but caution should be used. He commended Mr. Bramhall's efforts to identify the parcels in question, and stated that 8 acres had been taken by tax deed and that Mr. Logan's land was obtained from the Gages. Atty. Campbell then stated that he did not believe there were any grounds to enter into a boundary agreement in the area the District was proposing, however, under RSA 80:80, the Board can dispose of tax deeded property as justice may require, and could enter into agreement to transfer 2+/- acres in exchange for Mr. Logan's release. This would be subject to appearing before the Planning Board to have the line shown as a lot line adjustment.

Mr. Carpenter clarified that the School Board will have to go to the Planning Board because of Mr. Logan's land, to which Atty. Campbell replied in the affirmative and noted that both changes could be addressed at once. Atty. Campbell then noted that the Board also has the option to reconvene as the layout committee and complete the eminent domain process.

Mr. Carpenter noted that he previously had concerns regarding setting of the boundary line where the Board knew it wasn't, however, he understood the District was trying to move ahead with the project and that each delay resulted in cost increases. He then suggested that, to resolve this issue, the Board convey the 8 acres of Town land to the School District in exchange for nominal sum and Mr. Logan's agreement, and inquired whether it could do so immediately or if an additional meeting would have to be posted. Atty. Campbell noted that if all 8 acres were conveyed, it would eliminate the need for a subdivision, however Article 9 of the 1994 Town Meeting requires that comment be obtained from the Planning Board and Conservation Commission relative to such a conveyance.

A discussion ensued regarding the functionality of the acreage, the proposed lot line and location of the property, and old deed references. Mr. Carpenter then sought assurance from the School Board and their representatives that this will resolve all boundary issues with the High School project. Mr. Anderson replied that, as far as anyone is aware, there are no other issues. Discussion ensued regarding the time frame to obtain comment and posting.

Mrs. Crisler expressed concerns that Mr. Logan may end up with an additional 8 acres of land, and stated she would prefer to wait until Town meeting. School District Attorney Michaels stated that a lot line adjustment only would take place between the District and Mr. Logan, and he would not end up with the acreage.

Mr. Senibaldi expressed his discomfort with the situation, and sought assurances that the District would not come back regarding this matter. Atty. Michaels stated there is enough for a boundary line agreement, and that either method of addressing the issue is acceptable and the net result will be the same. Mr. Senibaldi then inquired whether a stamped plan existed, and Mr. Bramhall replied in the affirmative.

After further discussion regarding the survey events to date and the timing for receipt of comments, Mr. Carpenter moved that a public hearing be scheduled for December 19, 2006 to discuss the conveyance of a 9.7 acre parcel to the Windham School District in exchange for a release from a separate property owner; comments to be obtained in the interim from the Planning Board and Conservation Commission; conditional upon. After a brief discussion, the motion passed unanimously.

**BID AWARD/GROUNDSKEEPING:** Mr. Sullivan noted that nine bids had been received from the following: JJ Phelan & Son/Tewksbury, MA; Boyden's Landscaping/Pelham, NH; Muirs Landscaping/Salem, NH; Plaza Landscape/Windham, NH; Brandin Landscape/Pelham, NH; Fields of Green/Fremont, NH; Truegreen Lawncare/Manchester, NH; and Hillside Landscaping/Brentwood, NH. The bids were reviewed by Mr. Sullivan, Maintenance Supervisor Allan Barlow, and Recreation Coordinator Cheryl Haas, and the recommendation was to award the bid as follows:

Groundskeeping:	Boyden	\$48,325
Infield Maintenance:	Boyden	3,000
Fertilizing:	TrueGreen	31,174
Irrigation:	Hillside	1,500

Mr. Sullivan stated that an alternative recommendation would be to award the bid for all items to Boyden for their total bid price of \$91,000.

A lengthy discussion ensued regarding the irrigation specifications, three year cost options, and going back out to bid.

Mr. Hohenberger then moved to award the bid as proposed in alternative one for a period of one year. Mr. Senibaldi requested that the irrigation be awarded to Boyden rather than Hillside.

After a brief discussion, Mr. Hohenberger amended his motion to remove and replace Hillside with Boyden. Mr. Senibaldi then seconded the motion, which passed unanimously.

Mr. Hohenberger moved and Mr. Carpenter seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*